

EXHIBIT 5

1 PAUL CARLUCCI
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 AUSTIN FENNER and IKIMULISA LIVINGSTON,

6 Plaintiffs,
7 -against-

09 CIV 9832 (BSJ) (RLE)

8 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
9 THE NEW YORK POST and DAN GREENFIELD and
10 MICHELLE GOTTHELF,

11 Defendants.

12 -----X
13 SANDRA GUZMAN,

14 Plaintiff,

15 vs. 09 CIV 9323 (BSJ) (RLE)

16 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
17 THE NEW YORK POST, and COL ALLAN, in his
18 official and individual capacities,

19 Defendants.

20 -----X
21 VIDEOTAPED DEPOSITION OF PAUL CARLUCCI
22 New York, New York
23 Friday, June 22, 2012

24 REPORTED BY: BARBARA R. ZELTMAN
25 (BOBBIE)

Professional Stenographic Reporter

Job Number: 50903

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1 PAUL CARLUCCI
 2 Q And she was going to discuss Human
 3 Resources, right?
 4 A Yes.
 5 Q And you see that Les Goodstein is
 6 also listed as a presenter for the meeting
 7 scheduled for September 14, 2009?
 8 A Yes.
 9 Q And he was expected to discuss the
 10 Community Newspaper Group, correct?
 11 A If he had something to discuss, as
 12 was Amy, as was -- I did have something to
 13 discuss, but I don't know if they did have
 14 something or they did discuss anything that
 15 day.
 16 Q And you see that according to
 17 Deposition Exhibit 14, Col Allan is listed
 18 as a presenter for that particular meeting,
 19 as well, correct?
 20 A Yes.
 21 Q And Jennifer Jehn is also listed as
 22 a presenter for that meeting, correct?
 23 A Yes.
 24 Q Now, you see under the list of
 25 names it says "Next Management Council

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1 PAUL CARLUCCI
 2 The New York Post Management Council?
 3 MR. KASOWITZ: Object to form.
 4 A Several years.
 5 Q Did anyone assign you to the
 6 Management Council at The New York Post?
 7 MR. KASOWITZ: Object to form.
 8 A I'm sorry.
 9 Q How did you end up being a part of
 10 the Management Council at The New York Post?
 11 A I don't recall how I became a
 12 member. I guess because I was publisher.
 13 Q Are there other members of The New
 14 York Post Management Council?
 15 A Yes.
 16 Q Can you identify all the members of
 17 The New York Post Management Council,
 18 currently?
 19 A No.
 20 Q Can you identify any member of
 21 The New York Post Management Council besides
 22 yourself?
 23 A Yes.
 24 Q Identify any other individual
 25 who is a member of The New York Post

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1 PAUL CARLUCCI
 2 meeting, September 21, 2009 at 10:30 a.m."
 3 Mr. Carlucci, was there a
 4 Management Council at The New York Post in
 5 September of 2009?
 6 A Yes.
 7 Q Did that Management Council differ
 8 from the Executive Committee that was in
 9 existence in September of 2009?
 10 A Yes.
 11 Q Do you know how long there has been
 12 a Management Council at The New York Post?
 13 A No, I do not.
 14 Q Was there a Management Council in
 15 existence when you first became the
 16 Publisher of The New York Post in 2005?
 17 A I do not recall if there was or
 18 wasn't.
 19 Q Were you a member of the Management
 20 Council?
 21 A I am a member but I do not attend.
 22 Q When did you first become a member
 23 of The New York Post Management Council?
 24 A I do not recall the date.
 25 Q How long have you been a member of

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1 PAUL CARLUCCI
 2 Management Council.
 3 A Patrick Judge, Seth Rosenthal.
 4 Q Who is Seth Rosenthal?
 5 A Advertising manager.
 6 Courtney -- whose name, I can't
 7 recall her last name, but she's also a
 8 member, Courtney.
 9 Q What department does she work in at
 10 The New York Post?
 11 A Advertising.
 12 Q Anyone else?
 13 A Yes. Ken Casellas.
 14 Q Who is Ken Casellas?
 15 A Advertising manager.
 16 Patrick Judge. Howard Adler.
 17 There's representation from Michael Racano.
 18 Joe, whose name I can't recall
 19 unfortunately, from Finance.
 20 There's a few other -- there's
 21 an additional financial person on the board.
 22 Amy Scaldone.
 23 A production manager for from
 24 the plant whose name escapes me at this
 25 time. And several others.

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1 PAUL CARLUCCI
 2 Q Is Col Allan also a member of the
 3 Management Council?
 4 A No.
 5 Q Has he ever been a member of the
 6 Management Council?
 7 A No.
 8 Q Has anyone from the Editorial
 9 Department ever served on the Management
 10 Council?
 11 A Not I'm that I'm aware of. There's
 12 no Editorial representation.
 13 Q How often did the Management
 14 Council meet in 2009?
 15 A I'm not sure how often they met.
 16 I'm not sure how often they met.
 17 Q Do you recall if Sandra Guzman was
 18 ever discussed at any New York Post
 19 Management Council meeting?
 20 A I don't recall the content of
 21 the Management Council, but that would never
 22 be discussed in Editorial. It was strictly
 23 circulation, production times, plant
 24 situations, IT, and mostly advertising
 25 presentations.

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1 PAUL CARLUCCI
 2 table.
 3 A I'm not sure.
 4 Q Have you seen Les Goodstein at
 5 a New York Post Management Council meeting
 6 more than once?
 7 A Yes.
 8 Q And what is the main purpose of
 9 The New York Post Management Council?
 10 MR. KASOWITZ: Objection.
 11 Asked and answered.
 12 You can answer.
 13 A It is to share positive information
 14 about The New York Post.
 15 Q What do you mean it's to "share
 16 positive information about The New York
 17 Post"?
 18 A Well, it's a group made up of a lot
 19 of advertising people, circulation people,
 20 production people, and it's the next pyramid
 21 of management that reports to the management
 22 team of The New York Post and it's to convey
 23 to them things that are doing well: We sold
 24 a particular account, circulation is going
 25 to increase because we have new outlets.

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1 PAUL CARLUCCI
 2 And it was also an extremely brief
 3 meeting.
 4 Q When you say extremely brief, how
 5 brief were the meetings?
 6 A Twelve, 15 minutes.
 7 Q Was Les Goodstein a member of the
 8 Management Council?
 9 A I don't know if he is or isn't, but
 10 he does have a representative from the
 11 Community Newspaper, James Spigelman
 12 attends.
 13 Q Does James Spigelman work for Les
 14 Goodstein?
 15 A I believe he reports to him, yes.
 16 Q Did you ever see Les Goodstein at
 17 a New York Post Management Council meeting?
 18 A Yes, I have.
 19 Q How many times have you seen Les
 20 Goodstein at a New York Post Management
 21 Council meeting?
 22 A Probably -- I shouldn't answer
 23 probably.
 24 MR. KASOWITZ: Don't guess,
 25 Paul. I will kick you under the

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1 PAUL CARLUCCI
 2 Whatever the subject matter of the day might
 3 be.
 4 Q You just referred to "the
 5 management team at The New York Post."
 6 Who makes up the management team at
 7 The New York Post?
 8 A Executive Committee is the
 9 management team of The New York Post.
 10 Q So the Executive Committee is the
 11 management team at The New York Post?
 12 MR. KASOWITZ: Object to form.
 13 Asked and answered.
 14 Q Just making sure I heard you
 15 correctly.
 16 A Yes.
 17 Q Can you turn to the second page of
 18 Deposition Exhibit 14.
 19 Can you read the text on that page
 20 into the record?
 21 A "Tempo - Jennifer recapped the
 22 decision that Tempo would transition from
 23 a monthly section to three key issues per
 24 year tying around key Latino events."
 25 "Action. Amy and Jennifer to

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1 PAUL CARLUCCI
2 finished.
3 You have to calm down.
4 MR. KASOWITZ: Stop that. Stop
5 that. Stop it.
6 MR. THOMPSON: Mr. Kasowitz,
7 this is important. You cannot raise
8 your voice improperly during this
9 deposition. You can state your
10 objections all you want. You don't
11 have the right to raise your voice to
12 anyone at this deposition.
13 MR. KASOWITZ: I'm not raising
14 my voice.
15 MR. THOMPSON: The record is
16 clear.
17 MR. KASOWITZ: I'm not raising
18 my voice.
19 MR. THOMPSON: The videotape is
20 clear.
21 MR. KASOWITZ: I'm not raising
22 my voice. I'm insisting that you let
23 the witness finish answering his
24 question, your question before you
25 cut him off.

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1 PAUL CARLUCCI
2 of News Corporation.
3 Q Why do you say that that statement
4 that you joined News Corporation in June
5 1991 is neither true or false?
6 A Because my recollection and when I
7 think I joined is that this is obviously
8 a press release, but I disagree with it.
9 I think I joined News America FSI
10 in 1991 and I never worked for the
11 corporation.
12 Q So you're not -- you never were
13 employed by News Corporation?
14 A No. I was employed, from my
15 belief, with News America FSI was I believe
16 the name of the company.
17 Q Okay.
18 MR. THOMPSON: Let's change the
19 tape.
20 THE VIDEOGRAPHER: The time is
21 7:09. We're going off the record.
22 (A brief recess was
23 taken.)
24 THE VIDEOGRAPHER: The time is
25 7:20. We're back on the record.

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1 PAUL CARLUCCI
2 MR. THOMPSON: Are you
3 finished, Mr. Kasowitz?
4 MR. KASOWITZ: Are you done
5 with your answer?
6 THE WITNESS: I don't remember
7 the question.
8 MR. THOMPSON: I'll ask it
9 again.
10 MR. KASOWITZ: You tend to
11 confuse.
12 BY MR. THOMPSON:
13 Q The statement I'm focusing your
14 attention on in this press release is in the
15 paragraph that says, "Mr. Carlucci, 58,
16 joined News Corporation in 1991."
17 Do you see that particular
18 statement in the press release?
19 A Yes, I do.
20 Q Is it true or false that you joined
21 News Corporation in June of 1991?
22 A It's neither true or false. I
23 thought I had joined News America Marketing
24 or News America. I believe the name of it
25 was News America FSI which was a subsidiary

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1 PAUL CARLUCCI
2 BY MR. THOMPSON:
3 Q Mr. Carlucci, do you receive
4 paychecks in connection with your position
5 as Publisher of The New York Post?
6 A Do I receive --
7 Q Paychecks?
8 A I'm paid automatic deposit.
9 Q Did you ever receive paychecks when
10 you were Publisher of The New York Post?
11 Did you ever receive paychecks in
12 connection with --
13 A No. It was direct deposit.
14 Q Do you know what company actually
15 pays your salary?
16 A No, I do not.
17 I'll correct it. I think it's News
18 America.
19 Q News America?
20 A I think so.
21 Q Do you know if there was ever
22 a press release issued announcing Les
23 Goodstein's appointment at the company?
24 A Not that I recall.
25 MR. THOMPSON: Can we have this